



**U.S. Department of Justice**

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February 24, 2019

The Honorable George J. Hazel  
United States District Judge  
United States Courthouse  
6500 Cherrywood Lane, Suite 445A  
Greenbelt, MD 20770

Re: *United States v. Davon Carter*, Criminal No. GJH-17-0667

Dear Judge Hazel,

This letter is in reference to the March 8, 2019 motions hearing in the above-referenced case scheduled for 2:00 p.m. and the government's request, with the consent of counsel, seeking a second date. We propose starting the hearing on the current March 8 date and time but believe the extra time is needed to call additional witness(es) that are currently unavailable on March 8.

Three defense motions are pending: (1) Motion to Suppress Cell Site Location Information (ECF 38), (2) Motion for Separate Trial on Counts (ECF 40), and (3) Motion to Suppress Tangible Evidence and Statement (ECF 41). The latter motion is the only one requiring an evidentiary hearing. On that point, the government has advised counsel that on March 8 it will call and have present at least two witnesses (Det. Troy Taylor and Sgt. Sean Jones) regarding a car stop and the defendant's recorded statement to Baltimore City police. An additional witness, Det. Sandra Forsythe (BPD), may be necessary on both issues. Further, Officer Tabitha Hays, is needed for a brief statement the defendant made at the scene of the car stop.

The government's issue is that Det. Forsythe and Officer Hays have asked undersigned counsel for consideration of their respective scheduling conflicts:

Det. Forsythe has a prepaid, pre-scheduled vacation planned about which the government was unaware at the time of scheduling. We advised defense counsel of this conflict a few weeks ago and it may be that Det. Forsythe will not be a government witness in any event.

Officer Hays' spouse is having surgery on March 8 and she respectfully asked that her testimony be continued, if possible, to a second date. The direct of her testimony is not anticipated to take longer than 15 - 20 minutes.

Regarding the hearing on March 8th, the government submits that the direct of the two witnesses it will call that day will last for approximately an hour to an hour and a half. As mentioned above, the statement the Defendant made to Sgt. Sean Jones is recorded and, while

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the recording is approximately 50 minutes long, the government is only planning on playing a portion of it. Given the other pending motions, which will require legal argument, a date for a continuation of the hearing may be necessary, and it is prudent to set a second day sooner rather than later.

The parties await guidance from the Court regarding a date and time for continuation of the motions hearing. As an aside, and for the Court's information, the scheduling order provided that Motions in Limine are due to be filed on April 8, 2019 and it is possible those motions may engender the need for argument as well.

Thank you for your consideration

Very truly yours,

Robert K. Hur  
United States Attorney

By: \_\_\_\_\_/s/\_\_\_\_\_  
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